



Budapest Treaty Deposit Exhibit A

American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)881-2600 Telex: 898-055 ATCCNORTH

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE
DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

Name of deposit (microorganism, cell, seed, plasmid, etc.) Hybridoma

Strain designation given by the depositor (number, symbols, etc.) 7E11C5

Is this an original deposit under the Budapest Treaty? Yes

Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? (If so, indicate ATCC designation.) Yes CYT-331; ATCC SD#1307

Is this deposit a mixture of microorganisms or cells? No

Details and conditions necessary for the cultivation of the strain, for its storage and for testing its viability and also, where a mixture of microorganisms is deposited, descriptions of the components of the mixture and at least one of the methods permitting the checking of their presence. RDMT 1640, 10% Fetal

Bovine Serum-Penicillin and Streptomycin.

An indication of the properties of the strain which are or may be dangerous to health or the environment, or an indication that the depositor is not aware of such properties. Not aware of any such properties.

It is recommended that sufficient description be provided to allow the ATCC to confirm that the strain deposited generally conforms to that which the depositor states is being deposited (i.e., Gram negative rod).

a. For cell culture deposits please complete. Is the cell being cultured in the presence of antibiotics (if so list the antibiotics) _____

b. For hybridoma deposits please complete. What is the isotype of antibody produced? No.

9. Is this strain zoopathogenic? _____ phytopathogenic? No.

10. Does this strain contain plasmids relevant to the patent process? _____
If so, what physical containment level is required for experiments as described in the National Institutes of Health Guidelines involving Recombinant DNA Molecules (i.e., P1, P2, P3 and P4 facility)? _____

The answers to these questions are recommended but not required.

FOR ATCC USE ONLY

ATCC DESIGNATION _____

DATE CULTURE RECEIVED _____

DATE VIABILITY TEST COMPLETED _____

PENNIE & EDMONDS

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VIA FEDERAL EXPRESS

June 28, 1990

JOHN C. PENNIE
(1866-1921)

DEAN S. EDMONDS
(1879-1972)

1101-086

Mrs. Bobbie A. Brandon
American Type Culture Collection
12301 Parklawn Drive
Rockville, Maryland 20852

Re: SD #1307, CYT-351
Horosiewicz Cell Line 7E11C5

Dear Mrs. Brandon:

Enclosed is the completed form required for Patent Purposes to Meet the Requirements of the Budapest Treaty on The International Recognition of The Deposit of Microorganisms for the Purposes of Patent Procedure.

This is a request for a conversion of an ATCC Safe Deposited cell line to the ATCC Patent depository. I have notified Charles K. Mills about this matter.

<u>Organism Type</u>	<u>Strain Designation</u>	<u>ATCC NO.</u>
Cell line	7E11C5	CYT-351/SD#1307 <i>HS-19494</i> <i>6/29/90</i>

Enclosed is a check for \$970.00 to cover the one-time fee of deposit of this culture.

We would like to have the following statement included in your letter which advises us of the ATCC accession number assigned to these strains:

"Furthermore, insofar as is practicable in carrying out the business of the American Type Culture Collection, we shall refrain from distributing progeny of this strain pending the issuance of the U.S. Patent to your

ALLAN A. FANUCCI
JAMES A. POWER JR.
GERALDINE F. BALOWEN
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CLAIRE M. SCHULTZ
JAMES P. WILLIAMS
DARREY W. SAUNDERS
ANNELIESE M. SCHAEFER
THOMAS ROWAN
WILMA F. TRIEBwasser

*NOT ADMITTED IN NEW YORK

COUNSEL
THOMAS F. REDDY, JR.

OF COUNSEL
SHIRO KASHIWA

Mrs. Bobbie A. Brandon
June 28, 1990
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company, with the exceptions, however, that:
(1) access to progeny of this strain by other parties will be granted upon receipt of written authorization from your company specifying the name and the American Type Culture Collection (ATCC), designation (ATCC-number) of the strain and identifying the party who is to receive it. (Restricted distribution); and (2) with reference to 886 O.G. 638, progeny of this strain will be available during pendency of the patent application to one determined by the Commissioner of Patents to be entitled thereto under 37 C.F.R. 1.14 of the Rules of Practice in Patent Cases and 35 U.S.C. 122. All restrictions on the availability of progeny of the strain to the public will be irrevocably removed upon the granting of the patent(s) of which the strains are the subject. The strains will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism was received by the American Type Culture Collection and, in any case, for a period of at least 30 years after the date of the deposit. During this period all care necessary shall be taken to keep this strain viable and uncontaminated."

After you have assigned the ATCC accession number, please telephone Peter Bernstein collect at 212/790-9090 to inform him so we can incorporate it into the patent application.

We greatly appreciate your cooperation in this matter.

Sincerely,

S. Leslie Misrock / *by L. Misrock*
Copy
Reg No 3074
S. Leslie Misrock

SLM:ds

Enclosures

cc: Dr. Geraldine F. Baldwin
Ms. Ursula Treves